

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Department – Khammam district – Court Case – Decree issued in favour of Sri K. Yanadi Reddy, Contractor - Sanction for payment of half of the enhanced compensation amount of Rs. 5,20,000/- towards Decretal charges as an advance from Contingency fund for depositing before Prl. Sr. Civil Judge, Kothagudem in ASMP.No.922/2010 in ASSR.No. 3085/2010 against O.S.No.76/1993 – Accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (R.III) DEPARTMENT

G.O.Rt.No. 863

Dated: 7th September, 2010.

Read the following:-

1. From the Engineer-in-Chief (R&B) Roads, Hyd., Lr.No.22539/DEE5/AEE4 /09-10, dt. 16-11-2009.
2. From the Engineer-in-Chief (R&B) Roads, Hyd., Lr.No.22539/DEE5/AEE4 2009-10, dt. 17-5-2010.

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ORDER:-

In the reference first read above, the Engineer-in-Chief (R&B) Roads, Hyd., has stated that the work “Improvements to the road from Yellandu – Dornakal (Via) Gatekarepally from Km. 0/0 to 28/0 (working reach from Km. 9/6 to 25/0) in Khammam district was sanctioned vide GOMs.No.251, TR&B Dept., dt. 30-5-1986 and the work was entrusted to Sri K. Yanadi Reddy, Contractor resident of Khammam vide L.S. Agt. No. 31/1987-88, dt. 15-6-1987 of SE(R&B) Warangal with one year as completion period. The site was handed over on 10-7-1987 and date of completion as per Agreement is 9-7-1988. He has further stated that the S.E.(R&B) Khammam has granted E.O.T. upto 31-12-1988 and issued a notice to the Contractor for slow progress of work on 8-4-1989 and imposed a penalty of Rs. 5,000/- to the Contractor. At the request of the Contractor further E.O.T., was sanctioned upto 31-5-1989 and the work was completed on 21-12-1990.

2) The Engineer-in-Chief (R&B) Roads, Hyd., has also stated that the Contractor has approached the Principal Senior Judge, Kothagudem with six claims in O.S.No.76 of 1993 for Rs. 6,64,018/-. The case was argued before the Prl. Sr. Civil Judge, Kothagudem from 1993 to 2009 and on 6.3.2009 the Hon’ble Judge has issued partly decree in favour of the Contractor. As per the decree, the amount to be deposited is Rs. 10,55,000/-. The Contractor has filed E.P. on 26-6-2009 and the court has made attachment of the furniture of the O/o the E.E.(R&B), Kothagudem. Further, the E.E.(R&B), Kothagudem has sought for the opinion of the Asst. Govt., Pleader, Kothagudem for further contesting the case and the procedure to be adopted as per the present judgment and maintenance of the case for defending the case.

3) In the reference second read above, the Engineer-in-Chief (R&B) Roads, Hyd., has stated that the E.E., Kothagudem in his letter, dt. 18-4-2010 has reported that Counter Affidavit was furnished to Govt., Pleader on 18-3-2010 for filing the case. Further, the Govt., Pleader has informed that the Hon’ble High Court had granted interim stay on 27-4-2010 on condition of depositing half of the enhanced compensation amount within eight weeks (i.e., 27-6-2010) and permission to the claimants to withdraw the same. The G.P., for Appeals, High Court has requested the E.E. (R&B) Kothagudem to comply with the orders of the Hon’ble High Court within the time granted. The E.E., (R&B) Kothagudem has furnished a revised calculation in which the total amount payable was shown as Rs. 10,40,301-27 instead

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of earlier calculation of Rs.10,55,000/-. Therefore, the Engineer-in-Chief (R&B) Roads, Hyd., has requested to sanction Rs. 5,20,000/- i.e., half of the enhanced compensation amount to deposit as directed by the Hon'ble High Court.

4) Government after careful examination of the matter hereby accord sanction for payment of half of the enhanced compensation amount of Rs. 5,20,000/ (Rupees five lakhs and twenty thousand only) towards Decretal charges as an advance from Contingency fund for depositing before Prl. Sr. Civil Judge, Kothagudem in ASMP.No.922/2010 in ASSR.No. 3085/2010 against O.S.No.76/1993.

5) The amount sanctioned in para (4) above shall be debited to the Head of Account "5054 - COL on Roads & Bridges; 04 - Dist. & Other Roads; MH-800-Other expenditure; GH-11-Normal State Plan ; SH(08)- Other roads; 530 - Major Works; 532 - Lands (charged)" and shall initially be met by way of an advance from the Contingency Fund and orders regarding which will be issued by Finance (BG) Department separately.

6) The Engineer-in-Chief (R&B) State Roads, Hyderabad is requested to take necessary further action accordingly in the matter.

7) The Engineer-in-Chief (R&B) State Roads, Hyderabad shall also send necessary proposals during the current financial year 2010-2011 at the appropriate time for obtaining Supplementary Grant to recoup the advance sanctioned from contingency fund.

8) This order issues with the concurrence of Finance (Expr.PW) Department vide their U.O.No. 23812/645/A2/Expr.PWD/10, dated: 30-8-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. LAKSHMIPARTHASARATHY

PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief (R&B) State Roads, Hyderabad

Copy to

The Executive Engineer (R&B) Division, Kothagudem, Khammam dist.

The Finance (Expr.PW) Deptt.,

The Finance(BG)Deptt.,

The Director of Treasuries & Accounts, Hyd.,

The Director of Works Accounts, Hyd.

The Accountant General, A.P.Hyderabad

The Pay and Accounts Officer, Hyderabad

The Pay and Accounts Officer, Khammam

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER